

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Sun, et al.

Serial No.: 10/611,805

Confirmation No.: 5060

Filed: June 30, 2003

For: Effective Method to Improve
Surface Finish in
Electrochemical Assisted CMP

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Group Art Unit: 1742

Examiner: Nicholas A. Smith

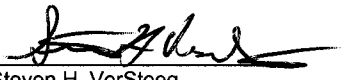
MAIL STOP APPEAL BRIEF-PATENTS
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11/9/07
Date


Steven H. VerSteeg

REPLY BRIEF

Appellant submits this Reply Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 1742 dated February 10, 2006, finally rejecting claims 1, 2, and 5-19. One copy of this brief is submitted for use by the Board.

Argument

The Examiner has stated that a “reasonable interpretation of the claims would include a single pulse at a first positive potential, followed by another single pulse at a second positive potential” (see Examiner’s Answer, page 7, item 1). Appellant respectfully disagrees.

The Examiner’s interpretation of the claims does not reasonably include a waveform. For example, if only one pulse at the first potential is applied, as the Examiner states, then no waveform is present. A pulse is simply that, a pulse. If a pulse is a waveform, then the limitation “with a waveform” has no value in the claim because it is repetitive of what is already present in the limitation “pulsed”.

Appellant respectfully asserts that the phrase “first positive potential is a pulsed potential with a waveform” should be interpreted as a first potential is pulsed and that the first potential is applied as a waveform. Hence, multiple pulses of the first potential are applied. If only one pulse is applied, then no waveform is present. The waveform is only possible if multiple pulses are present. Thus, Appellant’s limitation that “the first positive potential is a pulsed potential with a waveform” requires at least two pulses of the same first potential.

The multiple pulses of the first potential would all be the same current. As the Examiner has agreed, the phrases “a first positive potential” and “a second positive potential” are reasonably interpreted as different potentials (see Examiner’s Answer, page 8, item b). Thus, when the first positive potential is applied as “a pulsed potential with a waveform”, multiple pulses of the same positive potential (*i.e.*, the first positive potential) are applied and then a second positive potential is applied that is lower than the first positive potential.

Therefore, in claim 1 and claims dependent thereon, a plurality of pulses of a first positive potential are applied and then a second positive potential is applied.

Conclusion

The Examiner errs in finding that claims 1, 2, and 5-19 are obvious. It is respectfully requested that the Examiner's rejection of claim 1, 2, and 5-19 be reversed.

Respectfully submitted,



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